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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/139,330	08/25/1998	KOICHI SAKAMOTO	Q50138	5205

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EXAMINER

NGUYEN, LUONG TRUNG

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 01/02/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/139,330	SAKAMOTO, KOICHI	
	<b>Examiner</b>	<b>Art Unit</b>	
	LUONG T NGUYEN	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 02 October 2003.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-23 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 1-8,20 and 21 is/are allowed.

6) Claim(s) 9,10,19,22 and 23 is/are rejected.

7) Claim(s) 11-18 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 9-10, 19 filed on 10/02/2003 have been fully considered but they are not persuasive.

Applicant's arguments with respect to newly added claims 22-23 filed on 10/02/2003 have been considered but are moot in view of the new ground(s) of rejection.

In re pages 9-10, the Applicant argues that the references do not teach any restoration of print image data derived from the reference data in even an indirect manner.

In response, regarding claim 9, the Applicant recited ~~restoring print image data~~ the limitation “restoring print image data representing a print image associated with the reproduced image on the basis of the estimated, displayed state of the reproduced image to be displayed on a server monitor.” The Examiner considers that claim 9 as recited still do not distinguish over Levine patent in view of Harshbarger, Jr. et al. patent. Levine discloses image captured by camera 10 can be displayed on display screen 23 (restoring print image data representing a print image associated with the reproduced image to be displayed on a server monitor, figure 1, column 3, lines 55-61). Levine does not disclose displaying on a screen of the display device a reference image for detection of a controlled state of the display device; capturing the reference image displayed on the screen by the image pickup device to produce reference image data; and estimating a displayed state of the reproduced image displayed on the display device from the

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reference image data. However, Harshbarger, Jr. et al. disclose a camera 26 which is utilized to view the visual information presented on display 22 through input from pattern generator 24 (displaying and capturing the reference image, figure 1, column 6, lines 27-50). Harshbarger, Jr. et al. disclose a program for performing analysis of the video display, once the pattern and code have been displayed on the video display (estimating a displayed state of the reproduced image displayed on the display device, figure 14, column 13, lines 14-19). Therefore, the combination of Levine and Harshbarger, Jr. et al. would disclose “restoring print image data representing a print image associated with the reproduced image on the basis of the estimated, displayed state of the reproduced image to be displayed on a server monitor”.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 9-10, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levine (US 4,751,583) in view of Harshbarger, Jr. et al. (US 5,351,201).

Regarding claim 9, Levine discloses a method of printing an image, comprising the steps of capturing an original image by an image pickup device (camera 10, figure 1, column 2, lines 40-45); displaying the original image captured by the image pickup device on a display device as a reproduced image (display 13, figure 1, column 3, lines 15-40); restoring print image data

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representing a print image associated with the reproduced image to be displayed on a server monitor (image captured by camera 10 can be displayed on display screen 23, figure 1, column 3, lines 55-61); performing a printing processing on the print image data (printer 22, figure 1, column 3, lines 55-61); printing an image represented by the print image data performed with the printing processing (printer 22, figure 1, column 3, lines 55-61).

Levine fails to specifically disclose displaying on a screen of the display device a reference image for detection of a controlled state of the display device; capturing the reference image displayed on the screen by the image pickup device to produce reference image data; and estimating a displayed state of the reproduced image displayed on the display device from the reference image data. However, Harshbarger, Jr. et al. disclose a camera 26 which is utilized to view the visual information presented on display 22 through input from pattern generator 24 (displaying and capturing the reference image, figure 1, column 6, lines 27-50). Harshbarger, Jr. et al. disclose a program for performing analysis of the video display, once the pattern and code have been displayed on the video display (estimating a displayed state of the reproduced image displayed on the display device, figure 14, column 13, lines 14-19). Therefore, the combination of Levine and Harshbarger, Jr. et al. would disclose "restoring print image data representing a print image associated with the reproduced image on the basis of the estimated, displayed state of the reproduced image to be displayed on a server monitor".

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Levine by the teaching of Harshbarger, Jr. et al. in order to provide an apparatus for automatically evaluating the performance of an electronic video display device (column 3, lines 39-40).

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Regarding claim 10, Harshbarger, Jr. et al. disclose wherein the reference image comprises a picture pattern reference representing gradation levels (gray scale, figure 4J, column 9, lines 46-48).

Regarding claim 19, Levine discloses step of editing (column 4, lines 35-45). Levine and Harshbarger, Jr. et al. do not disclose the step of performing the printing processing comprising the step of using information obtained during the step of editing to modify the print image data. However, Levine discloses a hard copy is printed by printer 22 (figure 1) and image is edited before being printing (column 4, lines 35-45). It would have been obvious to include the step of using information obtained during the step of editing to modify the print image data into the device of Levine and Harshbarger, Jr. et al. in order to a desired hard copy.

4. Claims 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levine (US 4,751,583) in view of Harshbarger, Jr. et al. (US 5,351,201) further in view of Allen et al. (US 5,768,633).

Regarding claim 22, Levine and Harshbarger, Jr. et al. fail to specifically disclose transmitting the reference image data over a network. However, Harshbarger, Jr. et al. disclose the test patterns, which are captured by camera 26, are displayed and processed by computer 30 (capturing the reference image to produce reference image data, figure 1, column 7, lines 18-20). And Allen et al. disclose that the images captured are download from the camera 22 to a host computer 74 capable of image processing and transmission over a network (figure 6, column 4, lines 16-36). Therefore, it would have been obvious to one of ordinary skill in the art at the time

the invention was made to modify the device in Levine and Harshbarger, Jr. et al. by the teaching of Allen et al. in order to transmit image to a remote place.

Regarding claim 23, Levine and Harshbarger, Jr. et al. fail to specifically disclose the reference image data and reproduced image data are transmitted over the network. However, Harshbarger, Jr. et al. disclose the test patterns, which are captured by camera 26, are displayed and processed by computer 30 (capturing the reference image to produce reference image data, figure 1, column 7, lines 18-20). And Allen et al. disclose that the images captured are download from the camera 22 to a host computer 74 capable of image processing and transmission over a network (figure 6, column 4, lines 16-36). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Levine and Harshbarger, Jr. et al. by the teaching of Allen et al. in order to transmit image to a remote place.

***Allowable Subject Matter***

5. Claims 1-8, 20-21 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

As for claims 1-8, See Examiner's comment for a statement of reasons for the indication of allowable subject matter as indicated in paper No. 6 made on 1/16/2003.

Regarding claim 20, the prior art of the record fail to show or fairly suggest an image print system comprising a first processor, said first processor comprising a data transmitter for

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receiving, from said image pickup device, reference image data generated from said image pickup device capturing the reference image displayed on said display device, and for transmitting the reference image data together with the original image data.

Claim 21 is allowable for the reason given respect to claim 20.

6. Claims 11-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

See Examiner's comment for a statement of reasons for the indication of allowable subject matter as indicated in paper No. 6 made on 1/16/2003.

*Conclusion*

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Luong Nguyen** whose telephone number is **(703) 308-9297**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber** can be reached on **(703) 305-4929**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**Or faxed to : (703) 872-9314**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 whose telephone number is **(703) 306-0377**.

LN LN  
12/28/ 2003

*Andrew Faile*  
**ANDREW FAILE**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**